

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

JANITH SIAORT ALFORQUE
206 Gibson Street
Apt. 70
Falls Church, Virginia 22046

Plaintiff,

v.

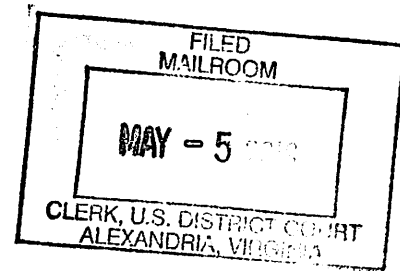
FANG CHEN
2400 N. Kensington Street
Arlington, Virginia 22205

GEORGE HOU
2400 N. Kensington Street
Arlington, Virginia 22205

Defendants.

Civil Action No.

1:16-cv-519-GBL/IDD



COMPLAINT

Plaintiff, Janith Siaort Alforque ("Plaintiff"), by and through her attorneys, Mary J. Craine Lombardo and Stein Sperling Bennett De Jong Driscoll PC, hereby files her Complaint against Defendants Fang Chen and George Hou (collectively "Defendants"), under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* ("FLSA"), and breach of contract, stating as follows:

INTRODUCTION

Plaintiff worked for Defendants as a live-in housekeeper. Defendants contractually agreed to pay Plaintiff at a regular hourly rate higher than the minimum wage, but failed to do so. Plaintiff was paid at the same monthly rate by the Defendants regardless of how many hours she worked. Plaintiff was paid below the minimum wage by Defendants during her employment. Defendants have willfully violated the clear and well-established minimum wage provisions of the FLSA and

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breached their contract with Plaintiff. Plaintiff seeks compensatory and statutory damages for all unpaid minimum wages, as well as attorneys' fees and costs.

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction over the causes of action alleged in this Complaint pursuant to 28 U.S.C. §§ 1331 and 1367, and 29 U.S.C. § 216.

2. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff is an adult resident of Virginia.

4. Defendants Fang Chen and George Hou are adult residents of Virginia.

5. Each Defendant is an "employer" within the meaning of the FLSA.

6. Defendants controlled the day to day operations of their household.

7. Defendants had the power to hire, fire, suspend, and discipline Plaintiff.

8. Defendants supervised Plaintiff directly or indirectly.

9. Defendants directly or indirectly set and controlled Plaintiff's work schedule or had the power to do so.

10. Defendants directly or indirectly set and determined the rate and method of Plaintiff's pay or had the power to do so.

FACTS

11. Plaintiff was employed by Defendants as a live-in nanny from March 29, 2014 through September 1, 2015 (the "Employment Period").

12. Plaintiff was paid a monthly rate of \$900.00, which translated to regular hourly rates between \$2.00 and \$3.00.

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13. Plaintiff's hours varied, but she worked approximately ninety-eight hours per week for the first four months and thereafter worked approximately eighty-four hours per week.

14. Defendants had a contractual agreement executed on or about February 24, 2014 (the "Agreement") to pay Plaintiff at a regular hourly rate of \$8.98 and to pay Plaintiff at an overtime rate of \$13.47 for hours in excess of forty-five per week. A copy of the Agreement is attached hereto as Exhibit 1.

15. Plaintiff is owed approximately \$41,718.89 under the terms of the Agreement or alternatively, \$35,492.38 in unpaid minimum wages.

16. Plaintiff is owed minimum wages that Defendants willfully failed and refused to pay to Plaintiff in violation of federal law.

17. By statute, Defendants are required to maintain records which document the wages, hours and other conditions of employment. 29 U.S.C. §211.

18. The precise number of hours worked, and wages owed, should be revealed through discovery.

19. Defendants knowingly and intentionally violated Plaintiff's rights under federal law.

**COUNT I
(FLSA)**

20. Plaintiff adopts herein by reference paragraphs 1 through 19 above as if fully set forth herein.

21. Defendants were required to pay Plaintiff a minimum wage of \$7.25 per hour. *See* 29 U.S.C. §206(a)(1)(c).

22. Plaintiff was paid below the required minimum wage throughout the Employment Period.

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23. Defendants' actions complained of herein constitute a willful violation of Section 206 of the FLSA.

24. Defendants' violation makes them liable to Plaintiff for all unpaid minimum wages, and an additional equal amount as liquidated damages.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment against Defendants, jointly and severally, in her favor in an amount to be determined at trial, but not less than \$70,984.76 which is two times the total minimum wages owed, to grant Plaintiff her reasonable attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

COUNT II
(Breach of Contract)

25. Plaintiff adopts herein by reference paragraphs 1 through 19 above as if fully set forth herein.

26. Plaintiff had a binding agreement with Defendants regarding her regular hourly rates. See Exhibit 1.

27. Plaintiff complied with the terms of the Agreement and provided the services contemplated therein.

28. Defendants breached the Agreement by paying below the agreed upon rates for the services.

29. Unpaid wages are due and owing to Plaintiff by Defendants.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment against Defendants, jointly and severally, and in favor of Plaintiff in an amount to be determined at trial, but not less than \$41,718.89, and such other and further relief as the Court deems just and proper.


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Respectfully submitted,

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